

January 20, 2004
Case No.: DP-305283 (7500/52)
Serial No.: 09/813,176
Filed: March 20, 2001
Page 8

-- REMARKS --

The present amendment replies to a Final Office Action dated November 19, 2003. Claims 1 and 4-23 are currently pending in the present application. Claims 1, 11 and 16 have been amended to more particularly point out and distinctly claim the invention of the present application. No new matter has been introduced by the amendment of Claims 1, 11 and 16.

In the Final Office Action, Examiner Siconolfi rejected pending claims 1 and 4-23 on various grounds. The Applicants respond to each ground of rejection as subsequently recited herein, and respectfully request reconsideration and further examination of the present application under 37 CFR § 1.116:

A. Claims 5-7, 16-20 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Muller et al. US Patent No. 4,545,601 in view of Handke et al. US Patent No. 5,622,242.

The Applicants have thoroughly considered Examiner Siconolfi's remarks concerning the patentability of claims 1 and 4-23 over the Muller Patent and in view of the Handke Patent. The Applicants traverse this 35 U.S.C. §103(a) rejection.

As the Examiner is well aware, in order to make a *prima facie* case of obviousness under § 103(a), all of the *claimed* elements of the invention must be taught or suggested by the prior art (MPEP § 2143.03). Further, obviousness cannot be established by combining or modifying the teachings of prior art to produce the claimed invention, absent some motivation, teaching or suggestion supporting the combination (MPEP § 2143.01). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination (MPEP § 2143.01). There is no teaching in the cited prior art references to prompt one of ordinary skill in the art to combine these references to arrive

January 20, 2004
Case No.: DP-305283 (7500/52)
Serial No.: 09/813,176
Filed: March 20, 2001
Page 9

at the invention as claimed. Moreover, the Examiner does not point to any portion of either the primary reference or the secondary reference to provide the implicit or explicit motivation to combine the references as is required to establish a prima facie case of obviousness.

The Applicants respectfully maintain that there is no motivation within the primary reference of the Muller Patent to combine the teachings with that of the Handke Patent.

Independent claims 1 and 11 recite the limitations of a spring seat bracket having both a mounting bracket portion and a stabilizer bar bracket portion. Further, the stabilizer bar bracket portion includes a shelf that is substantially perpendicular to a reservoir tube axis and to which the lower spring seat is attached. Neither the Muller Patent nor the Handke Patent, alone or in combination, suggests the use of a portion of a stabilizer bar bracket to provide direct support for a spring seat.

The Muller Patent discloses a stamped spring support member secured to an upper portion of a support portion that surrounds the piston and cylinder assembly. The support portion is not directly or indirectly attached to a stabilizer bar or stabilizer bar bracket. Further, the Muller Patent does not disclose the use of a stabilizer bar or bar bracket for any purpose. In fact, the Examiner only points to the use of a steering arm assembly that does not provide support for the spring seat. The Handke Patent does not disclose a stabilizer bar or bar bracket providing direct or indirect support for a spring seat.

Therefore, because the Muller Patent does not disclose the use of a stabilizer bar or stabilizer bar bracket, the Muller Patent cannot provide the motivation to use a stabilizer bar bracket as a direct support for the spring seat. Nor does the Muller Patent provide the motivation to one of ordinary skill in the art to combine the Muller Patent with the Handke Patent, which also does not provide the motivation to use a stabilizer bar bracket as a spring support. In view of the above Remarks, withdrawal of the Rejections under 35 U.S.C. § 103(a) for claims 1 and 11 is respectfully requested.

Independent claim 16 recites a method for assembling a strut spring seat support for attachment to a reservoir tube of a vehicle suspension assembly, the spring seat

January 20, 2004
Case No.: DP-305283 (7500/52)
Serial No.: 09/813,176
Filed: March 20, 2001
Page 10

support having both a mounting bracket portion and a stabilizer bar bracket portion. Further, the stabilizer bar bracket portion includes a shelf to which the lower spring seat is attached. As stated above neither the Muller Patent nor the Handke Patent, alone or in combination disclose a spring support in accordance with the present invention, and thus do not disclose, teach or suggest a method for assembling the same. Further, the cited art, alone or in combination do not provide the motivation to one of skill in the art to assemble a spring support as claimed by the Applicants. In view of the above Remarks, withdrawal of the Rejections under 35 U.S.C. § 103(a) for claim 16 is respectfully requested.

Claims 4-10 and 23, depend directly or indirectly from independent claim 1. Therefore, dependent claims 4-10 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicants that claims 4-10 are allowable over the Muller Patent in view of the Handke Patent for at least the same reason as set forth above with respect to independent claim 1. In view of the above Remarks, withdrawal of the Rejections under 35 U.S.C. § 103(a) for claims 4-10 and 23 is respectfully requested.

Claims 12-15 depend directly or indirectly from independent claim 11 and include all of the limitations of claim 11. Therefore, claims 12-15 are allowable for at least the same reasons as those stated above in relation to claim 11. In view of the above Remarks, withdrawal of the Rejections under 35 U.S.C. § 103(a) for claims 12-15 is respectfully requested.

Claims 17-22 depend directly or indirectly from independent claim 16 and include all of the limitations of claim 16. Therefore, claims 17-22 are allowable for at least the same reasons as those stated above in relation to claim 16. In view of the above Remarks, withdrawal of the Rejections under 35 U.S.C. § 103(a) for claims 17-22 is respectfully requested.

January 20, 2004
Case No.: DP-305283 (7500/52)
Serial No.: 09/813,176
Filed: March 20, 2001
Page 11

SUMMARY

Examiner Siconolfi's 35 U.S.C. § 103(a) rejections of claims 1 and 4-23 have been obviated by the above amendments and remarks. The Applicants respectfully submit that claims 1 and 4-23 fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing amendments and remarks, favorable consideration and passage to issue of the present application are respectfully requested.


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Respectfully submitted,
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